
SENATE BILL No. 27.]

[SES. 1860-'61.]

Introduced by Mr. ———

John Spelman, Printer to the State.

A BILL TO REGULATE THE FREE NEGRO POPULATION WITHIN THIS STATE.

SECTION 1. *Be it enacted by the General Assembly of the*
2 *State of North-Carolina, and it is hereby enacted by the au-*
3 *thority of the same,* That the several county courts in this
4 State, at the term of their respective courts which shall
5 take place after the 1st day of January, 186 , a majority
6 of the justices being present, may, if they think the interest
7 of their county demands it, establish a poor-house in their
8 said county for the use of free negroes exclusively, to be
9 managed by such white agents as the said county court
10 may appoint, which agents shall be paid for their services.

SEC. 2. *Be it further enacted,* That at the same term of
2 the said county court, a commission shall issue there
3 from, directed to such a number of persons as to the said
4 court shall seem expedient, residing in different parts of
5 the said county, authorizing them of the said commission
6 to summon before them the free negroes residing in their
7 vicinity, in the said county, and to summon witnesses to
8 testify on oath as to the state and condition of the said
9 free negroes: *Provided,* That any free negro shall be
10 permitted to summon witnesses in his behalf; and the
11 said commissioners shall, after due inquiry, report to some
12 subsequent term of the said court the names, probable
13 ages, state and condition of such free negroes, distinguish-
14 ing them as follows: First, such as are freeholders and

15 farmers, and, in the judgment of such said commissioners,
16 able and willing to maintain their families properly and
17 suitably, according to their condition. Second, such as
18 from their habits and characters the said commissioners
19 shall deem able and willing so to provide for their fami-
20 lies. Third, the names and ages of all other free negroes
21 resident in the said county.

SEC. 3. *Be it further enacted*, That the said county
2 court may, upon the return of the said commissioners and
3 due examination, adjudge that those negroes who are in-
4 cluded in the first and second classes set forth in the
5 second section of this act, may go free of all legislation
6 enacted by this act except as to taxation hereby provided :
7 *Provided*, That if the said court shall not agree with the
8 judgment of the said commissioners as to any individual
9 free negro, they may direct a jury to be empaneled, with
10 proper notice to such free negro, and direct an issue to be
11 submitted to such jury to try whether the said free negro
12 is able and willing to support his family ; and according
13 to the verdict, the said free negro's name shall be permitted
14 to remain as arranged by the said commissioners or placed,
15 in the third class described in the said second section.

SEC. 4. *Be it further enacted*, That any free negro who
2 may, by the said commissioners, be arranged in the third
3 class, provided as above, shall have a right to traverse
4 the said return, time to summon his witnesses and prove
5 the said traverse true by a jury, in due form of law ; and
6 the court trying such traverse shall arraign the said ne-
7 gro in the said class accordingly : *Provided always*, That
8 at all future terms of the said court it shall be the
9 duty of the grand jury of the county to return to the
10 court any free negro who from any cause has become
11 liable to have his class, as aforesaid, altered, and it shall
12 be the duty of the court, upon examination and a jury
13 trial, if required, to alter the class of the said free negro
14 accordingly.

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SEC. 5. *Be it further enacted*, That from and after the
2 passage of this act no county court shall have the power
3 to bind out any free negro above the age of ten years ;
4 such negro shall in all cases be hired out as hereinafter di-
5 rected.

SEC. 6. *Be it further enacted*, That at that term of the
2 county court at which the return of the commissioners
3 provided for in the first section of this act shall have been
4 acted upon, it shall be the duty of the several county
5 courts, as they may deem best, either to appoint an offi-
6 cer to execute the subsequent provisions of this act, or
7 shall charge the county treasurer therewith, whose duties
8 shall be as follows : First, to provide books in which to
9 keep just accounts against all individual free negroes.
10 Second, to hire in families, to the lowest bidder, all such
11 free negroes as cannot be hired for wages, to be paid by
12 the hirer ; to take bond, with sufficient security from
13 such lowest bidder to provide suitable lodging, food,
14 clothing, and medicine for such negroes, to pay their
15 taxes, both county and State, and to return them to him
16 suitably clad at the end of the current year : *Provided*,
17 That in such counties as shall have provided a poor house
18 for free negroes, it shall be the duty of such officer to
19 send such pauper free negroes to said poor house : *Provi-*
20 *ded, also*, If in the case of hiring to the lowest bidder
21 the officer shall, in his judgment, deem the person making
22 the lowest bid to be an unfit person to have charge of the
23 free negro, he may, in his discretion, assign him or her
24 to some other bidder. Third, to take care of all free ne-
25 groes between the ages of 10 and 16, and either to bind
26 them out himself or to return their names, sexes, and
27 ages to the county court, to be bound out. Fourth, to
28 hire out all the remaining negroes to the highest bidder,
29 taking bond and security from the hirer to pay the hire
30 he may have agreed to give, and to find the hireling with
31 suitable lodging, food, clothing, and medicine, and return

32 him to the said officer at the same time in the ensuing
33 year: *Provided*, That the said officer may, in his discre-
34 tion, and for a proper consideration of hiring, hire a free
35 negro between the ages of 16 and 21, to such persons as
36 the said free negro may have been bound to as above di-
37 rected. Fifth, to enter to the credit of each free negro
38 so hired out, the sums for which he or she shall be re-
39 spectively hired, and to charge the same account with
40 such items as may be directed by the provisions of this
41 act. Sixth, to return to the county court at the term
42 thereof when the county taxes shall be levied, a list of all
43 the balances to the credit of any free negro standing on
44 his books, as well as the amounts he may within the last
45 year have paid out of the funds in his hands and the
46 purport of such payment. Seventh, to collect as speedily
47 as possible all bonds given to him for the hire of free
48 negroes; to keep such an amount of cash on hand as he
49 may deem necessary for the discharge of sums which,
50 under the provisions of this act, may be charged on the
51 fund in his hands, and to invest the residue as soon as
52 may be in bonds of this State. Eighth: whenever the
53 said officer shall hire out a free negro between the ages of
54 16 and 21, it shall be his duty to place his hire to the
55 credit of the father of such free negro, if alive, subject to
56 such deductions as may be made from any other balances
57 in his hands.

SEC. 7. *And whereas*, It is the intention of this act to
2 make the free negro population of any county in this
3 State pay those charges which are properly levied upon
4 them: *and whereas*, Under the provisions of this act the
5 most prominent fund for this purpose will be that in the
6 hands of the officer provided by the 6th section of this
7 act: *and whereas also*, It is fair and just that those classes
8 of the free negro population arranged in numbers one
9 and two of the second section of this act, shall pay their
10 due proportion thereof: *Therefore, be it further enacted*,

11 That hereafter, the clerks of the respective county courts
12 in the State shall furnish to the justices who shall take
13 the list of the taxables, blanks to enable the justices to
14 separate the free negro taxables from those of the white
15 population, and the list for free negro taxables shall con-
16 tain a column for the numbers of any child or children
17 of free negroes between the ages of 16 and 21, who may
18 reside with and serve his or their father, and in assessing
19 the county and parish taxes the respective county courts
20 may assess a tax on the value of the labor of such free
21 negro and his children, as may in their judgment be fair
22 and just, so as to equalise the burthen upon all free ne-
23 groes, as well those on the books of the officer created by
24 this act, as of those assessed in classes one and two, and
25 the amount of the said county and poor tax shall be paid
26 to the said officer and rateably distributed on his books,
27 so as to indemnify any one who has been charged with
28 his proportion of any payments directed to be made by
29 the next section of this act.

SEC. 8. *Be it further enacted*, That of the funds in his
2 hands the officer created by this act shall, upon the order
3 of the county court, pay any charge which the county
4 shall have been at for providing a free negro poor-house,
5 with the current expenses thereof; and in case the county
6 court shall have deemed it inexpedient to provide such a
7 poor-house, then he shall pay all sums for which he may
8 have hired out free negroes to the lowest bidder, which
9 payment shall be a charge upon the whole fund in his
10 hands: *Provided, however*, If any male free negro shall,
11 under the provisions of this act, have a sum to his credit
12 for the hire of his child between the ages of 16 and 21
13 years, such sum shall be applied, instead of the general
14 fund, to pay the charges of supporting himself and his
15 family. Should any free negro be hereafter adjudged by
16 any court of record in this State, to the payment of any
17 fine, or of costs or prison charges, and shall not have pro-

18 perty sufficient to discharge the same, duplicates of the
19 order of the court assessing such fine and charges shall
20 issue to the sheriff, and payment thereof be made by the
21 officer holding the free negro fund—one of which dupli-
22 cates, with the receipt of the sheriff thereon, he may keep
23 for his security—the other shall be returned by the sheriff
24 in like manner as executions are directed to be returned,
25 and such payment shall be charged to the account of the
26 defendant if he has a balance to his credit—otherwise, to
27 the general fund in the hands of the said officer ; and
28 in all cases where any charge is made against the general
29 fund it shall be rateably charged to every balance on the
30 said books, so as to make the portion of each free negro
31 pay its share according to the amount of his or her bal-
32 ance, or such sum shall be charged *per capita* to each free
33 negro on the said books.

SEC. 9. *Be it further enacted*, That any free negro who
2 may have been hired out under the provisions of this act
3 may, at any term of the county court, apply to the same
4 to be exempted from further hiring, and to be arranged
5 in classes one and two as prescribed by the second section
6 of this act ; and thereupon the said court may summarily
7 examine into the merits of such application, and make
8 such order thereon as to them shall seem meet and pro-
9 per, which order shall take effect upon the expiration of
10 the term for which the said applicant shall then be hired.

SEC. 10. *And wheras*, The labors of the county trustee
2 will be increased if he should be charged with the execu-
3 tion of this act, and compensation should be provided for
4 such officer as may be appointed to perform the same :
5 *Therefore be it enacted*, That the several county courts of
6 the State, at that term when they lay the county taxes, a
7 majority of the justices being present, may fix the com-
8 pensation to be paid the county trustee or such officer as
9 they may elect to discharge the duties created by this act ;
10 in either case requiring bond and surety for the faithful

11 discharge of the duties of the office, and for an account
12 and payment of all moneys in hand to such person or per-
13 sons as shall have a right thereto, or to his successors in
14 office.

SEC. 11. *And whereas*, It is right and proper that classes
2 of the population of like condition should be governed by
3 similar laws : *And whereas*, It is found difficult to apply
4 the laws regulating traffic with slaves, by reason of the
5 similarity of the free negro class : *Therefore be it enacted*,
6 That all laws prohibiting, or in any wise regulating tra-
7 ding with slaves shall apply to all free negroes, and that
8 no person shall buy from or sell to any free negro hired
9 out under the provisions of this act without the consent,
10 in writing, of the person hiring him ; neither shall any
11 free negro arranged under classes one and two by the
12 second section of this act, buy or sell from any person
13 without the written consent of some justice of the peace
14 of the county, or of some freeholder residing within —
15 miles of the usual residence of such free negro ; and any
16 person selling or buying without such consent in writing,
17 either from the hirer, a justice or freeholder, shall be
18 liable to the same penalties as are by the law inflicted for
19 dealing with slaves.

